

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STEVE SHANNON)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	(Formerly Oklahoma County
TRANSFORCE, INC.,)	Case No. CJ-2015-191)
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Transforce, Inc. (“Transforce” or “Defendant”), hereby removes this action to this Court pursuant to 28 U.S.C. §§ 1331, 1332, and 1441(a). In support hereof, Defendant states as follows:

1. On January 13, 2015, Plaintiff Steve Shannon (“Shannon” or “Plaintiff”) filed a Complaint, styled *Steve Shannon v. Transforce, Inc.*, Case No. CJ-2015-191 in the District Court of Oklahoma County (“State Court”). The Complaint was served on Defendant on April 2, 2015.

2. The Complaint alleges violations of Title VII of the Civil Rights Act of 1964 (“Title VII”), the Americans with Disabilities Act of 1990 (“ADA”), the Oklahoma Anti-Discrimination Act, wrongful termination in violation of 85 O.S. § 341, and negligence.

3. Because Plaintiff’s Complaint alleges violations of Title VII and the ADA, which are claims “arising under the Constitution, laws, or treaties of the United States,” this case is removable on the basis of federal question jurisdiction under 28 U.S.C. §

1331. The district court has supplemental jurisdiction over Plaintiff's remaining claims pursuant to 28 U.S.C. § 1367.

4. In addition, Transforce is not incorporated in Oklahoma, nor does it have its principal place of business in Oklahoma. Further, the amount in controversy in this case exceeds \$75,000.00. Accordingly, this case is removable on the basis of diversity jurisdiction under 28 U.S.C. § 1332.

5. Defendant's Notice of Removal has been filed within 30 days of the Service of the State Court Complaint in accordance with 28 U.S.C. § 1446(b)(1).

6. Removal to this Court is proper pursuant to 28 U.S.C. § 1446(a) because it is in the district embracing the place where the State Court action is pending.

7. Pursuant to 28 U.S.C. §§ 1446(a) and 1447(b), and LCvR 81.2, Defendant has attached all State Court process, pleadings, and/or orders served upon it as well as the State Court docket sheet (See Exhibits A, B, C and D, attached).

8. A copy of this Notice of Removal, as well as the attached Notice of Filing Notice of Removal, attached hereto as Exhibit E, have been mailed to counsel for Plaintiff and are being filed with the Clerk of the District Court of Oklahoma County, Oklahoma in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant removes this action to the United States District Court for the Western District of Oklahoma, Oklahoma City Division.

Respectfully submitted,

s/ Sam R. Fulkerson
Sam R. Fulkerson, OBA #14370
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and

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* Motion for Admission pursuant to
LCvR 83.2(e) to be submitted

Attorney for Defendant Transforce, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2015, I filed the foregoing Notice of Removal with the Clerk of the Court by using its CM/ECF system and also served a true and correct copy of the same via U.S. Mail, first-class, postage prepaid, upon the following:

Jon J. Gores
Robert J. Wagner
Wagner & Wagner
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Oklahoma City, OK 73119-5038

Attorney for Plaintiff

s/ Sam R. Fulkerson